

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant      | : | JIN, Mi Rim <i>et al.</i>  |
| App. No.       | : | 10/581,575   |
| Filing Date    | : | June 2, 2006   |
| For            | : | Composition comprising the extract of Cucurbitaceae Family plant or the purified extract isolated therefrom having anti-adipogenic and anti-obesity activity |
| Examiner       | : | Mi, Qiuwen   |
| Group Art Unit | : | 1655   |

DECLARATION UNDER 37 C.F.R § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. I, Yoon Ah Lee, declare as follows:
2. My address is: 1438-16, Shillim-5-dong, Gwanak-gu, Seoul 151-742, KOREA.
3. I am the Assistant Manager at HELIXIR CO. LTD. (SEOUL, KOREA) and have over 5 years of experience in Isolation of Chemical Compounds. I am knowledgeable in Chemistry and the analysis of chemical compounds.
4. I am aware of the process claimed in U.S. Application Serial No. 10/581,575 entitled "Composition comprising the extract of Cucurbitaceae Family plant or the purified extract isolated therefrom having anti-adipogenic and anti-obesity activity.
5. I am aware JP 59203451; in view Tang et al (Zhongcaoyao 32(9), 773-775, 2001) have been cited to support a 35 U.S.C. 103(a) rejection of Claims 1 - 14 of the present application.
6. I have reviewed JP 59203451, Tang (2001) and the Non-Final Rejection mailed on September 20, 2007.
7. I conducted an experiment to obtain "CMC-9" extracts from the stem of *Cucurbita moschata* (A), and the stem (B) and fruit (C) of *Luffa cylindrical* using the fractionation and isolation method of conventional silica gel chromatography as disclosed on page 5, last paragraph of the subject application. The total amount of saponin in each CMC-9 sample of A, B and C was measured by colorimetric assay system as described by Do *et al.* (Korean J. Ginseng Sci. 17(2); 139-144(1993)). The results were as follows:

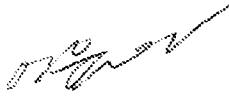
| Sample               | Saponin (mg/ml) |
|----------------------|-----------------|
| CMC-9 extract from A | ND*             |
| CMC-9 extract from B | ND*             |
| CMC-9 extract from C | ND*             |

\*ND, not detectable

8. As shown in the Table above, all three samples prepared from the stem of *C. moschata*, and the stem and fruit of *L. cylindrical* contained the undetectable level of total saponins. These results indicate that the saponins of JP59203451 can not be obtained by the process of the present invention.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Moreover, these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date: March 19, 2008

  
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Yoon Ah Lee